

#71A308
USSN: 09/721,543
4/20/02

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Typed or Printed Name Susan M. Alessi

Signature *Susan M. Alessi* Date March 26, 2002

RESTRICTION ELECTION		Attorney Docket	BERK-005
Address to:	Assistant Commissioner for Patents	First Named Inventor	Liu et al.
Washington, D.C. 20231		Application Number	09/721,543
		Filing Date	November 21, 2000
		Group Art Unit	1636
		Examiner Name	Q. Nguyen
		Title:	<i>"Polynucleotide Ligands as Antiviral Agents"</i>

Sir:

This response is responsive to the Restriction Requirement dated February 28, 2002, which set a one-month period for response.

Please amend the application as follows:

Cancel Claims 27-32.

IN THE CLAIMS

REMARKS

In view of the above amendments and the following remarks, the Examiner is respectfully requested to allow claims 1-26, the currently pending claims. Claims 1-19 have been canceled, without prejudice to refiling.

Applicants respectfully elect the invention of Group I, claims 1-19 for further examination, and the Group (3), SEQ ID NOs:12-16, as a compound, with traverse. Applicants respectfully submit that the class of antiviral agents represent a generic claim, and that the election of SEQ ID NOs:12-16 should be an election of species in the group, not a separate invention.

A key determination in whether a generic claim is appropriate depends on the disclosure of a commonality of operation, function or effect. As stated in the present application, the family of antiviral agents set forth in the present claims have a common mechanism of function, through binding to virus and acting to decrease the infection of target cells by the virus. Therefore the compounds are properly examined as a genus, with an election of species.

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In view of the above remarks, Applicants respectfully request limitation of the restriction to the single genus of compounds, with election of the species, Group (3).

CONCLUSION

Applicants submit that all of the claims are now in condition for allowance, which action is requested. If the Examiner finds that a Telephone Conference would expedite the prosecution of this application, she is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any other fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, order number STAN096CIP.

Respectfully submitted,

Date: March 26, 2002

By: Pamela J. Sherwood
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1636

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Application Number

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First Named Inventor

LIU, FENYONG

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Group Art Unit

1636

Examiner Name

NGUYEN, QUANG

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Attorney Docket Number

BERK-005

ENCLOSURES (check all that apply)

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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	Change of Correspondence Address	1. Return Receipt Postcard
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	PAMELA J. SHERWOOD, Reg. No. 36,677	
Signature		
Date	March 26, 2002	

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Typed or printed name	Susan M. Alessi	Date	March 26, 2002
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